IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

W. P.NO: 16213 of 1992, W.P.No.16421 of 1992,

W.P.No.17131 of 1992 & W.P.No.17254 of 1992

W P. 16213/ 1992

Between:

1. D.Venkataramana, S/o. Pros.D.L.Narayana,
   Tirupathi.
2. M.Vijayalakshmi, w/o. M.D.Narayana Naidu,
   R/o.Tirupathi.
3. D.Sujathamma, W/o. Krishnama Naidu,
   R/o.Tirupathi.

..... PETITIONERS

AND

1. The cooperative Tribunal (Prl.Dist.Munsif),
   Tirupathi.
2. The Special Cadre Deputy Registrar of Cooperative Societies,
   Tirupathi.
3. Sri Balaji Cooperative House Buildings Society Ltd.,
   Tirupathi.
4. M.Dorairaju, S/o. Gopalasamy, R/o. Tiruchanoor Road,
Tirupathi. 5. B. Venkata Rao S/o late Ankamma, aged 61 years
r/o Tirupathi, Chittoor District. (R5 is impleaded as per Court Order dated 02-07-2004 in
WPMP No.30450 of 1997)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or order or direction in the nature of a writ declaring the order of the 1st respondent in CTA.No.1/1988 dt.13.7.1992 as illegal, arbitrary, unjust and violative of the principles of natural justice and to set aside the same and to further declare the allotment of plot in T.S.No.953/1/D1, situated in Tirupathi, chitoor Dist, made by the 3rd respondent in favour of the 4th respondent as illegal, arbitrary and contrary to the bye laws of the 3rd respondent society and to further direct the 3rd respondent to allot

3 plots to the petitioners and out of the 32 approved plots in T.S.No.953/1/D1, situated in Tirupathi, Chittoor Dist, and to pass such other orders..

Counsel for the Petitioner: SMT.J.CHAMANTHI

Counsel for the Respondent Nos. 1 & 2: G.P. for Cooperation.

Counsel for the 3rd respondent: Mr. R.P.M. GOPALA RAO.

Counsel for the 4th respondent: Mr. A.T.M. Rangaramanujam.

W.P.NO.16421 of 1992

Between:

1. D.Venkataramana, S/o. Prof.D.L.Narayana,
   R/oTirupathi.
2. M.Vijayalakshmi, W/o. M.D.Narayana Naidu,
   R/oTirupathi.
3. D.Sujathamma, w/o. Krishnama Naidu,
   R/oTirupathi.

..... PETITIONERS

AND

1. The Co-operative Tribunal (Prl.dist. Munsif)
   Tirupathi.
2. The Special Cadre Deputy Registrar of Cooperative Society,
   Tirupathi.
3. Sri Balaji Cooperaative House Buildings Society Ltd.,
   Tirupathi.
4. T.N.Krishna Reddy, S/o. C.T.Narayana Reddy,
   R/o. Gandhi Road, Madanapalli, Chittoor Dist. 5. B. Venkata Rao S/o late Ankamma, aged 61 years
r/o Tirupathi, Chittoor District. (R5 is impleaded as per Court Order dated 02-07-2004 in
WPMP No.27618 of 1997)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or order or direction in the nature of a writ declaring the order of the 1st respondent in CTA.No.6/1988 dt.13.7.1992 as illegal, arbitrary, unjust and violative of the principles of natural justice and to set aside the same and to further declare the allotment of plot in T.S.No.953/1/D1, situated in Tirupathi, chitoor Dist, made by the 3rd respondent in favour of the 4th respondent as illegal, arbitrary and contrary to the byelaws of the 3rd respondent society and to further direct the 3rd respondent to allot 3 plots to the petitioners and out of the 32 approved plots in T.S.No.953/1/D1, situated in Tirupathi, Chittoor Dist, and to pass such other orders.

Counsel for the Petitioner: SMT.J.CHAMANTHI

Counsel for the Respondents 1 and 2: G.P. for Cooperation.

Counsel for the Respondent No.3: Mr. P. Srinivas.

Counsel for the Respondent No.4 Mr. S. Ravi.

-

W.P.No. 17131 of 1992

Between:

1. D.Venkataramana, S/o. Prof.D.L.Narayana,
   R/o.Tirupathi.
2. M.Vijayalakshmi, W/o.M.D.Narayana Naidu,
   R/o.Tirupathi.
3. D.Sujathamma, C/o. Krishnama Naidu,
   R/o.Tirupathi.

..... PETITIONERS

AND

1. The Cooperative Tribunal (Principal Dist.Munsif) Tirupathi.
2. The Special Cadre Deputy Registrar of Cooperative Societies,
   Tirupathi.
3. Sri Balaji Cooperative House Buildings Society,
   Tirupathi.
4. Sri S.Munisekhara Reddy, S/o. Krishna Reddy,
   Tirupathi.
5. B.Venkata Rao, S/o. Late Ankamma,
   R/o.Tirupathi.

R5 impleaded as per court order dt.16.10.98 in
W.P.M.P.27639/97.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or order or direction in the nature of a writ declaring the order of the 1st respondent in CTA.No.2/1988 dt.13.7.1992 as illegal, arbitrary, unjust and violative of the principles of natural justice and to set aside the same and to further declare the allotment of plot in T.S.No.953/1/D1, situated in Tirupathi, chitoor Dist, made by the 3rd respondent in favour of the 4th respondent as illegal, arbitrary and contrary to the byelaws of the 3rd respondent society and to further direct the 3rd respondent to allot 3 plots to the petitioners and out of the 32 approved plots in T.S.No.953/1/D1, situated in Tirupathi, Chittoor Dist, and to pass such other orders.

Counsel for the Petitioner:SMT.J.CHAMANTHI

Counsel for the Respondents 1 and 2: G.P. for Cooperation.

Counsel for the Respondent No.3: MR.P.M.GOPAL RAO.

-

W.P.No. 17254 of 1992

Between:

Smt. N.Kantamma, W/o. Mohanram Reddy,
R/o. Tirupathi, Chittoor dist.

..... PETITIONER

AND

1. The Co-opetative Tribunal-cum-Principal Dist. Munsif,
   Tirupathi,Chittoor dist.
2. The Special Cadre Deputy Registrar of Cooperative Societies & Arbitraror, R/o. Tirupathi, Chittoor dist.
3. M/s. Sri Balaji Cooperative Housing Buildings Society, rep. by its Secretary, Balaji Colony, Tirupathi, Chittoor dist.
4. S.Chalamaiah, S/o. S.Ramachandraiah,
   R/o. Balaji colony, Tirupathi, Chittoor dist.
5. B.Venkat Rao, S/o. B.Ankamma,
   R/o. Balaji Colony, Tirupathi,Chittoor dist.
6. D.venkataramana, S/o. D.L.Naarayana,
   R/o. Balaji Colony, Tirupathi, Chittoor dist.
7. Smt. M.Vijayalakshmi, w/o. Narayana,
   R/o. Balaji Colony, Tirupathi, Chittoor dist.
8. M.Subba Rami Reddy, S/o. M.Venku Reddy,
   R/o.Balaji Coliny, Tirupathi, Chittoor dist.
9. Smt. D.Sujathamma, W/o. Krishnama Naidu,
   R/o. Balaji Colony, Tirupathi,Chittoor dist.
10. Smt.B.Bhoodevamma, W/o. Chalamaiah,
    R/o. Balaji Colony, Tirupathi, Chittoor dist.
11. Kum. S. Jamuna Bai, D/o. Chalamaiah,
    R/o. Balaji colony, Tirupathi,Chittoor dist.
12. Kum.S.Padmaja Rani, D/o. Chalamaiah,
    R/o. Balaji Colony, Tirupathi, Chittoor dist.
13. S.Venkatram Prasad, S/o. Chalamaiah,
    R/o. Balaji Colony, Tirupathi,Chittoor dist.
14. S.Rajendra Prasad, S/o. Chalamaiah,
    R/o. Balaji Colony, Tirupathi, Chittoor dist.
15. S.Murali Krishna Prasad, S/o. Chalamaiah,
    Tirupathi,Chittoor dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari calling for records pertaining to the orders passed by the 2nd respondent in claim suit No.1/86-87 dated 13.2.1988 as confirmed by the 1st respondent in C.T.A.No.4/88dt.13.7.1992 and quash the same as illegal, arbitrary, unconstitutional and without jurisdiction by declaring the allotment of Plot No.20 in favour of the petitioner by the 3rd respondent society is valid as per the byelaws of the society and pass such other orders.

Counsel for the Petitioner: MR. T.NIRANJAN REDDY.

Counsel for the Respondents 1 &2: G.P. for Cooperation.

Counsel for the Respondent No.3: Mr. P.M. Gopala Rao.

Counsel for the Respondent No.5: MR.J.V.PRASAD

The Court Made the Following :

-

COMMON ORDER

Since the common point arises in these four writ petitions, they can be disposed of together by a common order.

The only grievance of the petitioners in these writ petitions is that they are eligible for allotment of plots, but the 3rd respondent Society there being any reason what so ever has not considered their case for allotment of plots in the 3rd respondent Society.

Heard the learned counsel on either side.

The learned counsel appearing for the 3rd respondent fairly submitted that there are three vacant plots now available for allotment to the individuals. In this view of the matter, as submitted by the learned counsel appearing for the 3rd respondent that there are three vacant plots available for allotment to eligible persons, the 3rd respondent is directed to consider the case of the petitioners for allotment of vacant plots in the 3rd respondent Society, if they are entitled and eligible for allotment, within a period of three months, from the date of receipt of a copy of this order.

With the above direction, the writ petitions are disposed of. No costs.

_____

2nd July, 2004

BJ/Glv

To

1. The Co-opetative Tribunal-cum-Principal Dist. Munsif,
   Tirupathi,Chittoor dist.
2. The Special Cadre Deputy Registrar of Cooperative Societies & Arbitraror, R/o. Tirupathi, Chittoor dist.
3. The Secretary, M/s. Sri Balaji Cooperative Housing Buildings Society, Balaji Colony, Tirupathi, Chittoor dist.
4. Two C.Cs to the Government Pleader for Cooperation, High Court Buildings, Hyderabad.

5. Two C.D. copies.

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

W. P.NO: 16213 of 1992, W.P.No.16421 of 1992,

W.P.No.17131 of 1992 & W.P.No.17254 of 1992

02.07.2004